

RESPONSE AND REMARKS

Claim Rejections Under 35 U.S.C. §103(a)

The Office Action rejected Claims 1, 3, 4 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Nicholls et al. (U.S. Patent No. 5,631,827; "Nicholls") in view of in view of Boucher et al. (U.S. Patent No. 6,976,007 "Boucher"). Office Action, Topic No. 4, p. 3.

Claim 2 was rejected in the Office Action as being unpatentable over Nicholls and Boucher as stated for Claim 1, and further in view of Kara et al. (U.S. Patent No. 6,233,568; "Kara"), and InterShipper (Newsbytes Article, "Internet Update"; "InterShipper"). Office Action, Topic No. 9, p. 4.

The Office Action rejected Claims 7, 9, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Nicholls in view of Kara, UPS® Service Guide (www.ups.com; "UPS"), FedEx® Services (www.fedex.com; "FedEx"), Intershipper, and Barnett (U.S. Patent No. 6,369,840; "Barnet."). Office Action, Topic No. 12, p. 5.

The Office Action rejected Claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Nicholls, Kara, and Intershipper as applied to Claim 9, and further in view of Boucher. Office Action, Topic No. 18, p. 8.

Response Remarks Regarding the Claim Rejections under Section 103(a)

The rejections under Section 103(a) have been carefully considered. Claims 7, 9 and 31 of the present application have been amended to more distinctly recite the claimed invention. Claims 41-43, previously withdrawn, have been cancelled.

A Declaration by William W. Smith III Under 37 CFR §132 ("Smith Declaration") was previously filed in support of the previously-filed Amendment and Response to the Office Action dated March 17, 2008. The Response and Remarks of the previously-filed Amendment and Response to the Office Action dated March 17, 2008 and its references to the previously-filed Smith Declaration are incorporated by reference herein as if fully stated here.

In rejecting Claims 1, 3, 4, 6 and 10, the Office Action relies on U.S. Patent Application Publication No. 6,976,007 ("Boucher"; the reported filing date of which is October 4, 1999). In particular, in rejecting Claims 1, 3, 4, 6 and 10, the Office Action asserts that "Boucher discloses the use of a multi-carrier package tracking system, with a tracking server (22), which upon receipt of a user tracking request (191) through Instatrac (89), communicates with the appropriate carrier servers to store tracking information and display to the user (See Column 4, lines 48-65 and Column 8, lines 10-22)." Office Action, Topic No. 6, p. 3; Office Action, Topic No. 19, p. 8. The Office Action further asserts that "Boucher discloses that once the specific carrier is determined an online connecting [sic] is established with the carrier and the information is obtained from the carrier through the online connection (See abstract and Reference Numerals 24 and 130 with corresponding detailed descriptions)." Office Action, Topic No. 6, pgs. 3-4; Office Action Topic No. 19, p. 8. The Office Action yet further asserts that "Boucher, in Figure 1, discloses it as a shipping server, however throughout Boucher, the shipping server does nothing regarding shipping, but simply tracks. Therefore simply because Boucher discloses the server as being a shipping server, it is a dedicated server which is used for tracking. In fact the system of Boucher is solely for tracking." Office Action, Topic No. 24, p. 10. The Office Action still further asserts that "Figure 1 of Boucher clearly shows the shipping server and the carrier being connected through the Internet" Office Action, Topic No. 25, p. 10.

Claims 7, 9 and 31 are amended herewith to claim, in one form or another, obtaining tracking information from an online connection to a carrier system.

A Declaration Under 37 C.F.R. §1.131 ("Section 131 Declaration") was previously filed for this case. A courtesy copy of that previously-filed Section 131 Declaration, downloaded from the USPTO PAIR System, is included with the electronic filing of this Amendment and Response. The previously-filed Section 131 Declaration and its Exhibits are referenced below.

It is respectfully asserted, for the reasons given below, that the previously-filed Section 131 Declaration establishes sufficient facts to substantiate the invention of the subject matter claimed in the present application prior to March 23, 1999, which is prior to October 4, 1999, the reported filing date of Boucher. Further, it is respectfully

asserted, for the reasons given and the authorities cited in the Response and Remarks of the previously-filed Amendment and Response to the Office Action dated March 17, 2008, that the Claims are in condition for allowance.

In particular, it respectfully asserted that the previously-filed Section 131 Declaration substantiated the invention by the inventors named in the present application prior to March 23, 1999 (which is prior to October 4, 1999, the reported filing date of Boucher), of a shipping management system, and methods and computer program products for that system, that comprised a plurality of server computer devices, as claimed in one form or another in Claims 1, 2, 3, 4, 6, 7, 9, 10 and 31 of the present application, as amended. See Section 131 Declaration, ¶¶3 and Exhibits A, B and C.

Further, it respectfully asserted that the previously-filed Section 131 Declaration substantiated the invention by the inventors named in the present application, prior to March 23, 1999 (which is prior to October 4, 1999, the reported filing date of Boucher), of a server-based, multi-carrier shipping management system, and methods and computer program products for that system, that further comprised providing remote access by multiple shipping users via the Internet, as claimed in one form or another in Claims 1, 2, 3, 4, 6, 7, 9, 10 and 31 of the present application, as amended. See Section 131 Declaration, ¶¶4 and Exhibit D.

Yet further, it respectfully asserted that the previously-filed Section 131 Declaration substantiated the invention by the inventors named in the present application, prior to March 23, 1999 (which is prior to October 4, 1999, the reported filing date of Boucher), of a remotely accessible, server-based, multi-carrier, Internet-enabled shipping management system, and methods and computer program products for that system, that yet further comprised providing for obtaining data from at least one system database in response to each user input of a request by each particular user to ship a parcel, as claimed in one form or another in Claims 3 and 7 of the present application, as amended. See Section 131 Declaration, ¶¶5 and Exhibits E and F.

Further still, it respectfully asserted that the previously-filed Section 131 Declaration substantiated the invention by the inventors named in the present application, prior to March 23, 1999 (which is prior to October 4, 1999, the reported filing date of Boucher), of a remotely accessible, server-based, multi-carrier, Internet-enabled

shipping management system, and the methods and computer program products for that system, that further provided for calculation of shipping rates for a plurality of carriers as claimed in one form or another in Claims 1, 2, 3, 4, 7, 9, 10 and 31 of the present application, as amended. See Section 131 Declaration, ¶¶6 and Exhibit G.

Yet further still, it respectfully asserted that the previously-filed Section 131 Declaration substantiated the invention by the inventors named in the present application, prior to March 23, 1999 (which is prior to October 4, 1999, the reported filing date of Boucher), of a remotely accessible, server-based, multi-carrier, Internet-enabled shipping management system, and the methods and computer program products for that system, that yet further provided for obtaining carrier tracking information from each of a plurality of carrier computer systems accessible over the global communications network as claimed in one form or another in Claims 1, 2, 3, 4, 6, 7, 9, 10 and 31 of the present application, as amended. See Section 131 Declaration, ¶¶7 and Exhibits H and I.

Further, it respectfully asserted that the previously-filed Section 131 Declaration substantiated that from the time of the invention by the inventors named in the present application, until the filing date on October 6, 1999 of a first provisional application on which priority for the present application is based in part, and thereafter, the inventors continued their effort to refine the operation of the system and resolve problems with the system. See Section 131 Declaration, ¶¶8 and Exhibit J.

In view of the previously-filed Response and Remarks, in view of the further Claim amendments to Claims 7, 9 and 31 made herewith, and in view of the previously-filed Section 131 Declaration, it is respectfully asserted that Claims 1, 2, 3, 4, 6, 7, 9, 10 and 31 of the present application, as amended, are patentable over the cited references, and are in condition for allowance.

CONCLUSION

For the reasons given above, it is respectfully asserted that the previously-filed Section 131 Declaration established sufficient facts to swear behind the Boucher reference. Further, for the reasons given, and the references cited in the previously-filed Declaration and Response and Remarks, and for the reasons given above, it is

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respectfully asserted that the amended Claims are in condition for allowance.
Accordingly, reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,
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